

SEE RULE 102 (1)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORIGINAL APPLICATION NO. – 34/2017

DATED : 15TH MAY, 2018

CORAM

HON'BLE DR. (MRS.) JUSTICE INDIRA SHAH, MEMBER (JUDICIAL)
HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (ADMINISTRATIVE)

APPLICANT (S) : No. 7063971F Ex Hav (Hony Nb Sub)
Sanat Kumar Dey, s/o Late Manindranath Dey
House No. 24, Garpara, PQ-Gobordanga
Dist – North 24 Parganas, PIN-743252

Versus

RESPONDENT (S) : (1) The Union of India, service through
The Defence Secretary, Ministry of Defence
South Block, New Delhi – 110 011

(2) Chief of the Army Staff
Integrated HQ, Ministry of Defece (Army)
South Block, DHQ PO New Delhi - 110011

(3) The Secretary
Department of Ex-servicemen Welfare & Pension
Ministry of Defence, South Block,
New Dlhi – 110 011

(4) The Principal Controller of Defence Accounts
(Pensions), Drapaudi Ghat, Allahabad
(UP) – 211 001

(5) The Officer-in-Charge
EME Records
PIN – 900 453
c/o 56 APO

Counsel for the applicant (s) : Mr. HC Mitter

Counsel for the Respondent (s) : Mr. Tapas Kumar Chatterjee

ORDER**PER LT GEN GAUTAM MOORTHY, MEMBER (ADMINISTRATIVE)**

1. This case has been filed Under Section 14 of Armed Forces Tribunal Act, 2007 for Fixation of Pay in the rank of Hony Nb Sub who retired as Havildar. The applicant was discharged from the Army on 31.05.1985 after having rendered about 22 years of colour service in the rank of Havildar on 31.05.1985. On the occasion of Independence Day 1985, he was awarded the Hony rank of Nb Sub. Till date no monetary benefit has been granted to him despite his approach to the OIC Records and PCDA (P), Allahabad.
2. The issue of grant of pension in the rank of Hony Nb Sub to the personnel who were discharged as Havildar is no longer res-integra. In view of the catena of judgements, Govt of India, Ministry of Defence, Department of Ex-servicemen Welfare, D (Pension/Legal) letter vide F. No. 3(8)/2013/D (Pensions/Legal) dated 30th October, 2017 also extended this benefit with regard to the pension of Hony Nb Sub to those Havildars who were discharged pre 2006, from 01.01.2006 onwards.
3. Hence, there is no requirement of calling for the Respondents to file any Affidavit-in-Opposition.
4. The applicant is entitled to the revised pension w.e.f. 01.01.2006. Therefore, his pension is to be revised by the Respondents within a period of 3 months from the date of receipt of this order, failing which a simple interest @ 8% per annum to be paid to the applicant till the date of realization.

5. It is also made clear that an amount of Rs. 100/- per month which was already paid to the applicant after 01.01.2006 in terms of Govt. of India, Ministry of Defence letter dt. 06.11.1991 shall be adjusted against the amount due to the applicant as per this order and the said amount of Rs. 100/- per month as paid shall be discontinued.

6. Accordingly, the application is allowed with the directions as above.

7. No order as to costs.

8. A plain copy of this order, duly countersigned by the Tribunal Officer, be furnished to both the sides after observance of all usual formalities.

(LT GEN GAUTAM MOORTHY)
MEMBER (ADMINISTRATIVE)

(JUSTICE INDIRA SHAH)
MEMBER (JUDICIAL)

dk